IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 4428 of 2007(B)

PETITIONER:

SAJIMON.K.K., S/O.KARUNAKARAN,
AGED 32 YEARS, KOCHUPARAMBIL HOUSE,
KONNACKAMALI P.O., MURIKASSERRY VIA,
IDUKKI-685 604, L.D.CLERK, S.N.V.H.S.S.,
NANKICITY, KANJIKUZHI, IDUKKI.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

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1. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. ASSISTANT DIRECTOR, REGIONAL OFFICE, VOCATIONAL HIGHER SECONDARY EDUCATION, THRISSUR.

4. THE MANAGER, S.N.VOCATIONAL HIGHER SECONDARY SCHOOL, KANJIKUZHI, IDUKKI.

5. PRINCIPAL, S.N.VOCATIONAL HIGHER SECONDARY SCHOOL, KANJIKUZHI, IDUKKI.

BY GOVT. PLEADER SMT. M.R. SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 4428/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : A TRUE COPY OF THE ORDER NO.10/2002 DATED 9.12.2002.

EXT. P2 : A TRUE COPY OF THE EXTENSION ORDER DATED 24.12.2002.

EXT. P3 : A TRUE COPY OF THE LETTER NO.66726/SC2/03/G.EDN.

EXT. P4 : A TRUE COPY OF THE ORDER NO.5/2004 DATED 22.7.2004.

EXT. P5 : A TRUE COPY OF THE REPRESENTATION DATED 5.8.2004 SUBMITTED TO THE 1ST RESPONDENT.

EXT. P6 : A TRUE COPY OF THE ORDER NO.10/02 DATED 4.8.04 OF THE 4TH RESPONDENT.

EXT. P7 : A TRUE COPY OF THE COMMON JUDGMENT IN WPC. 26342 OF 04 AND 22635/05 DATED 3.8.05.

EXT. P8 : A TRUE COPY OF THE ORDER NO.1/2006 DATED 20.1.2006.

EXT. P9 : A TRUE COPY OF THE ORDER G.O.(RT) NO. 1633/06/GL.EDN. DATED 20.4.06.

EXT. P10 : A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT. P11 : A TRUE COPY OF THE LETTER NO.E3/811/2005 DATED 28.9.2006 OF THE 3RD RESPONDENT.

EXT. P12 : A TRUE COPY OF THE ORDER NO.E3 12284/04 DATED 26.10.2006 OF THE 2ND RESPONDENT.

EXT. P13 : A TRUE COPY OF THE REPRESENTATION DATED 27.1.2007 SUBMITTED TO THE 1ST RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.4428 OF 2007

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Dated this the 2nd day of April, 2007

JUDGMENT

Petitioner challenges Ext.P12. There is a further prayer to consider Ext.P13 representation and to disburse full salary and allowance for the period from 9.12.2002 to 25.1.2006, the period he was kept outside unauthorisedly, according to him. The further prayer is to disburse salary from 25.1.2006 onwards. Ext.P12 directs recovery of subsistence allowance paid to the petitioner.

2. Heard Government Pleader also.

The amount paid as subsistence allowance cannot be allowed to be recovered. In such circumstances Ext.P12 is quashed. There will be a direction to the first respondent to take a decision on Ext.P13 in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment. In regard to the claim for salary from 25.1.2006, if the petitioner moves a representation before the second respondent, a decision will be taken on the same within a period of one month from the date of receipt of the representation in

accordance with law and the amounts found due on the basis of said decision will be paid to the petitioner within a further period of one month.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.